

SENATE BILL 99

Unofficial Copy
O4

2004 Regular Session
(4lr0591)

ENROLLED BILL

-- Finance/Health and Government Operations --

Introduced by **Senators Kelley, Britt, Della, Exum, Garagiola, Gladden,
Hollinger, Hughes, Jones, Lawlah, Middleton, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Children's Group Home Residential Child Care Programs - Certification of**
3 **Program Administrator**

4 FOR the purpose of establishing the State Board for Certification of ~~Children's Group~~
5 ~~Home Residential Child Care~~ Program Administrators; specifying the
6 membership, powers, and duties of the Board; establishing the terms of and
7 requirements for certain members of the Board; authorizing the Board to
8 employ certain staff in accordance with the budget of the Board; establishing a
9 State Board for Certification of ~~Children's Group Home Residential Child Care~~
10 Program Administrators Fund; establishing certain immunity from liability for
11 certain persons under certain circumstances; requiring an individual to be
12 certified before the individual may administer a ~~children's group home~~
13 *residential child care* program licensed by certain State departments;
14 establishing certain procedures in the event that a program administrator
15 leaves or is removed; specifying the qualifications for certain certificates;
16 specifying application procedures for certain applications; authorizing the

1 issuance and renewal of certain certificates; authorizing certain individuals
 2 with certificates to administer certain programs; providing for the expiration
 3 and renewal of certain certificates; establishing certain grounds for discipline;
 4 requiring the Board to provide certain hearing procedures before certain
 5 individuals may be disciplined under this Act; prohibiting certain acts; making
 6 certain exceptions; establishing certain penalties; establishing a certain date by
 7 which all licensed ~~children's group home~~ residential child care programs shall
 8 have certified program administrators; providing that the State Board for
 9 Certification of ~~Children's Group Home Residential Child Care Program~~
 10 Administrators is subject to the provisions of the Maryland Program Evaluation
 11 Act; defining certain terms; stating the intent of the General Assembly that
 12 certain funds be included in the State budget for certain purposes and that when
 13 certain special funds become available, the special funds be used to reimburse
 14 the General Fund; *specifying the terms of the initial members of the Board*; and
 15 generally relating to the certification of individuals to administer ~~children's~~
 16 ~~group home~~ residential child care programs.

17 BY renumbering

18 Article - State Government
 19 Section ~~8-403(b)(13)~~ *8-403(b)(63)* through (70), respectively
 20 to be Section ~~8-403(b)(14)~~ *8-403(b)(64)* through (71), respectively
 21 Annotated Code of Maryland
 22 (1999 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article - Health Occupations
 25 Section 1-101(a), (b), (d), (e), (h), (j), (k), and (l)
 26 Annotated Code of Maryland
 27 (2000 Replacement Volume and 2003 Supplement)

28 BY adding to

29 Article - Health Occupations
 30 Section 20-101 through 20-502, inclusive, to be under the new title "Title 20.
 31 ~~Children's Group Home Residential Child Care Program Administrators"~~
 32 Annotated Code of Maryland
 33 (2000 Replacement Volume and 2003 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article - State Government
 36 Section 8-403(a)
 37 Annotated Code of Maryland
 38 (1999 Replacement Volume and 2003 Supplement)

39 BY adding to

40 Article - State Government

1 Section ~~8-403(b)(13)~~ 8-403(b)(63)
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That Section(s) ~~8-403(b)(13)~~ 8-403(b)(63) through (70), respectively, of
6 Article - State Government of the Annotated Code of Maryland be renumbered to be
7 Section(s) ~~8-403(b)(14)~~ 8-403(b)(64) through (71), respectively.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Health Occupations**

11 1-101.

12 (a) In this article the following words have the meanings indicated.

13 (b) "Board of Review" means the Board of Review of the Department.

14 (d) "Department" means the Department of Health and Mental Hygiene.

15 (e) "Household member" means someone who is:

16 (1) The individual's:

17 (i) Spouse;

18 (ii) Son;

19 (iii) Daughter;

20 (iv) Ward; or

21 (v) Parent; or

22 (2) The individual's relative:

23 (i) Who shares the individual's legal residence; or

24 (ii) Whose financial affairs are under the legal or actual control of
25 the individual.

26 (h) "Person" means an individual, receiver, trustee, guardian, personal
27 representative, fiduciary, or representative of any kind and any partnership, firm,
28 association, corporation, or other entity.

29 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

30 (k) "State" means:

- 1 (1) A state, possession, or territory of the United States;
- 2 (2) The District of Columbia; or
- 3 (3) The Commonwealth of Puerto Rico.

4 (l) "Substantial financial interest" means:

- 5 (1) An asset with a fair market value of \$1,000 or more; or
- 6 (2) A source of income of \$500 or more in a calendar year.

7 TITLE 20. ~~CHILDREN'S GROUP HOME~~ RESIDENTIAL CHILD CARE PROGRAM
 8 ADMINISTRATORS.

9 SUBTITLE 1. DEFINITIONS.

10 20-101.

11 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12 (B) (1) "AGENCY" MEANS:

- 13 (I) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE
 14 DEPARTMENT;
- 15 (II) THE DEPARTMENT;
- 16 (III) THE DEPARTMENT OF HUMAN RESOURCES;
- 17 (IV) THE DEPARTMENT OF JUVENILE SERVICES; AND
- 18 (V) THE MENTAL HYGIENE ADMINISTRATION IN THE
 19 DEPARTMENT.

20 (2) "AGENCY" INCLUDES THE STATE SUPERINTENDENT OF SCHOOLS.

21 (C) "BOARD" MEANS THE STATE BOARD FOR CERTIFICATION OF ~~CHILDREN'S~~
 22 ~~GROUP HOME~~ RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS.

23 (D) "CERTIFICATE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
 24 CERTIFICATE ISSUED BY THE BOARD TO ADMINISTER A ~~CHILDREN'S GROUP HOME~~
 25 RESIDENTIAL CHILD CARE PROGRAM.

26 (E) "CERTIFIED PROGRAM ADMINISTRATOR" MEANS, UNLESS THE CONTEXT
 27 REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS:

28 (1) CERTIFIED BY THE BOARD; AND

29 (2) RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT AND
 30 OPERATION OF A ~~CHILDREN'S GROUP HOME~~ RESIDENTIAL CHILD CARE PROGRAM.

1 (F) (1) ~~"CHILDREN'S GROUP HOME~~ "RESIDENTIAL CHILD CARE PROGRAM"
 2 MEANS AN ENTITY THAT PROVIDES FOR CHILDREN 24-HOUR PER DAY CARE WITHIN
 3 A STRUCTURED SET OF SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE
 4 SPECIFIC OBJECTIVES RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND
 5 THAT INCLUDE THE PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL
 6 SERVICES, HEALTH, MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF
 7 THESE SERVICES AND ACTIVITIES.

8 (2) ~~"CHILDREN'S GROUP HOME~~ "RESIDENTIAL CHILD CARE PROGRAM"
 9 INCLUDES A PROGRAM:

10 (I) ~~RESIDENTIAL FACILITIES FOR CHILDREN WITH~~
 11 ~~DEVELOPMENTAL DISABILITIES;~~

12 (II) ~~CHILD CARE HOMES;~~

13 (III) ~~CHILD CARE INSTITUTIONS;~~

14 (IV) ~~THERAPEUTIC GROUP HOMES; AND~~

15 (V) ~~GROUP HOMES, AS THOSE TERMS ARE DEFINED BY STATE LAW.~~

16 (G) (1) ~~"PROGRAM" MEANS A CHILDREN'S GROUP HOME PROGRAM~~
 17 ~~LICENSED BY:~~

18 (I) ~~THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE~~
 19 ~~DEPARTMENT;~~

20 (II) ~~THE DEPARTMENT;~~

21 (III) ~~THE DEPARTMENT OF HUMAN RESOURCES;~~

22 (IV) ~~THE DEPARTMENT OF JUVENILE SERVICES; OR~~

23 (V) ~~THE MENTAL HYGIENE ADMINISTRATION IN THE~~
 24 ~~DEPARTMENT.~~

25 (2) ~~"PROGRAM" DOES NOT INCLUDE A STATE OPERATED CHILDREN'S~~
 26 ~~GROUP HOME PROGRAM FACILITY OF THE MENTAL HYGIENE ADMINISTRATION IN~~
 27 ~~THE DEPARTMENT.~~

28 (I) LICENSED BY:

29 1. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

30 2. THE DEPARTMENT OF HUMAN RESOURCES; OR

31 3. THE DEPARTMENT OF JUVENILE SERVICES; AND

1 (II) THAT IS SUBJECT TO THE LICENSING REGULATIONS OF THE
 2 OFFICE FOR CHILDREN, YOUTH, AND FAMILIES GOVERNING THE OPERATIONS OF
 3 RESIDENTIAL CHILD CARE PROGRAMS.

4 ~~(H)~~ (G) "PROGRAM ADMINISTRATOR" MEANS THE INDIVIDUAL RESPONSIBLE
 5 FOR THE DAY-TO-DAY MANAGEMENT AND OPERATION OF A ~~CHILDREN'S GROUP~~
 6 ~~HOME~~ RESIDENTIAL CHILD CARE PROGRAM.

7 ~~(H)~~ (H) "SUBCABINET" MEANS THE SUBCABINET FOR CHILDREN, YOUTH,
 8 AND FAMILIES ESTABLISHED UNDER ARTICLE 49D, § 4.1 OF THE CODE.

9 SUBTITLE 2. STATE BOARD FOR CERTIFICATION OF ~~CHILDREN'S GROUP HOME~~
 10 RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS.

11 20-201.

12 THERE IS A STATE BOARD FOR CERTIFICATION OF ~~CHILDREN'S GROUP HOME~~
 13 RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS IN THE DEPARTMENT.

14 20-202.

15 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

16 (2) OF THE 11 BOARD MEMBERS:

17 (I) SIX MEMBERS SHALL BE APPOINTED AS FOLLOWS:

18 1. TWO BY THE SECRETARY OF HEALTH AND MENTAL
 19 HYGIENE, ONE EACH FOR THE DEVELOPMENTAL DISABILITIES ADMINISTRATION
 20 AND THE MENTAL HYGIENE ADMINISTRATION;

21 2. ONE BY THE SECRETARY OF JUVENILE SERVICES FOR THE
 22 AGENCY;

23 3. ONE BY THE SECRETARY OF HUMAN RESOURCES FOR THE
 24 AGENCY;

25 4. ONE BY THE STATE SUPERINTENDENT OF SCHOOLS; AND

26 5. ONE BY THE SUBCABINET; AND

27 (II) FIVE SHALL BE APPOINTED BY THE GOVERNOR.

28 (3) OF THE FIVE APPOINTED BY THE GOVERNOR:

29 (I) THREE SHALL BE PROGRAM ADMINISTRATORS; AND

30 (II) TWO SHALL BE CONSUMER MEMBERS.

31 (B) THE GOVERNOR SHALL APPOINT MEMBERS WITH THE ADVICE AND
 32 CONSENT OF THE SENATE.

1 (C) EACH BOARD MEMBER SHALL:

2 (1) BE A UNITED STATES CITIZEN; AND

3 (2) HAVE RESIDED IN THIS STATE FOR AT LEAST 1 YEAR BEFORE
4 APPOINTMENT TO THE BOARD.

5 (D) ~~EACH~~ A CONSUMER MEMBER OF THE BOARD:

6 (1) ~~MAY NOT BE A PROGRAM ADMINISTRATOR; MAY NOT BE OR EVER~~
7 ~~HAVE BEEN A PROGRAM ADMINISTRATOR;~~

8 ~~(2)~~ (2) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A PROGRAM
9 ADMINISTRATOR;

10 ~~(3) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A~~
11 ~~COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ADMINISTERING A PROGRAM;~~

12 ~~(4)~~ ~~(2)~~ (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO
13 PARTICIPATES IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO
14 ADMINISTERING A PROGRAM; AND

15 ~~(5)~~ ~~(3)(4)~~ MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
16 SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN AGENCY.

17 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT HAVE
18 A SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN AGENCY.

19 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
20 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE STATE CONSTITUTION.

21 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.

22 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
23 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2004.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
25 SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
27 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
28 QUALIFIES.

29 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
30 TERMS.

31 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
32 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

33 (H) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
34 MISCONDUCT, INCAPACITY, OR NEGLECT OF DUTY.

1 (2) ON THE RECOMMENDATION OF THE SUBCABINET, THE GOVERNOR
2 MAY REMOVE A MEMBER WHOM THE SUBCABINET FINDS TO HAVE BEEN ABSENT
3 FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

4 20-203.

5 (A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A
6 CHAIRMAN, VICE CHAIRMAN, AND EXECUTIVE SECRETARY.

7 (B) THE BOARD SHALL DETERMINE:

8 (1) THE MANNER OF ELECTION OF OFFICERS;

9 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

10 (3) THE DUTIES OF EACH OFFICER.

11 20-204.

12 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A
13 QUORUM.

14 (B) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND
15 PLACES THAT IT DETERMINES.

16 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
17 EXPENSES AT A RATE DETERMINED BY THE BOARD.

18 (D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE BUDGET OF
19 THE BOARD.

20 (E) THE BOARD MAY APPOINT AN EXECUTIVE DIRECTOR.

21 (F) THE EXECUTIVE DIRECTOR:

22 (1) SERVES AT THE PLEASURE OF THE BOARD;

23 (2) SERVES AS THE EXECUTIVE OFFICER OF THE BOARD; AND

24 (3) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.

25 20-205.

26 (A) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN
27 THIS TITLE, THE BOARD IN CONSULTATION WITH THE SUBCABINET SHALL:

28 (1) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
29 SUBTITLE;

30 (2) ESTABLISH STANDARDS FOR THE CERTIFICATION OF APPLICANTS;

1 (3) CONDUCT A CONTINUING STUDY AND INVESTIGATION OF
2 ~~PROGRAMS AND~~ PROGRAM ADMINISTRATORS TO IMPROVE:

3 (I) CERTIFICATION STANDARDS; AND

4 (II) PROCEDURES FOR ENFORCING THESE STANDARDS; AND

5 (4) DEVISE EXAMINATIONS AND ADOPT INVESTIGATIVE PROCEDURES
6 TO:

7 (I) DETERMINE WHETHER PROGRAM ADMINISTRATORS MEET THE
8 STANDARDS ADOPTED BY THE BOARD; AND

9 (II) ASSURE THAT PROGRAM ADMINISTRATORS CONTINUE TO
10 MEET THESE STANDARDS.

11 (B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE
12 BOARD SHALL:

13 (1) MAINTAIN A REGISTRY OF ALL PROGRAM ADMINISTRATORS
14 CERTIFIED BY THE BOARD;

15 (2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND SUBCABINET;

16 (3) ADOPT A CODE OF ETHICS THAT THE BOARD CONSIDERS
17 APPROPRIATE AND APPLICABLE TO THE PROGRAM ADMINISTRATORS CERTIFIED BY
18 THE BOARD;

19 (4) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR THE
20 PROGRAM ADMINISTRATORS CERTIFIED BY THE BOARD;

21 (5) ADOPT AN OFFICIAL SEAL; AND

22 (6) CREATE COMMITTEES AS IT DEEMS APPROPRIATE TO ADVISE THE
23 BOARD ON SPECIAL ISSUES.

24 20-206.

25 (A) THERE IS A STATE BOARD FOR CERTIFICATION OF ~~CHILDREN'S GROUP~~
26 ~~HOME~~ RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS FUND.

27 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND
28 RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.

29 (2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS SO AS TO
30 APPROXIMATE THE COST OF MAINTAINING THE BOARD.

31 (3) THE FUNDS TO COVER THE EXPENSES OF THE BOARD MEMBERS
32 SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

1 (C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO
2 THE COMPTROLLER OF THE STATE.

3 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

4 (D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
5 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
6 DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS TITLE.

7 (2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO §
8 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 (3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
10 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND
11 TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.

12 (4) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, NO OTHER
13 STATE MONEY MAY BE USED TO SUPPORT THE FUND.

14 (E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

15 (2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL
16 PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS TITLE.

17 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
18 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
19 ARTICLE.

20 20-207.

21 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
22 5-710 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR
23 OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

24 SUBTITLE 3. CERTIFICATION PROCESS.

25 20-301.

26 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON OR AFTER
27 OCTOBER 1, 2007, AN INDIVIDUAL SHALL RECEIVE A CERTIFICATE FROM THE BOARD
28 BEFORE THE INDIVIDUAL MAY BE A PROGRAM ADMINISTRATOR IN THIS STATE.

29 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A
30 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM A POSITION AS PROGRAM
31 ADMINISTRATOR BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE, THE OWNER
32 OF A RESIDENTIAL CHILD CARE PROGRAM OR OTHER APPROPRIATE PROGRAM
33 AUTHORITY SHALL IMMEDIATELY DESIGNATE A CERTIFIED PROGRAM
34 ADMINISTRATOR TO SERVE IN THAT CAPACITY.

1 (2) (I) IN THE EVENT A CERTIFIED PROGRAM ADMINISTRATOR IS NOT
2 AVAILABLE, THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY MAY
3 APPOINT A NONCERTIFIED PERSON TO SERVE IN THE CAPACITY OF ACTING
4 PROGRAM ADMINISTRATOR FOR A PERIOD NOT TO EXCEED 180 DAYS.

5 (II) THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY
6 SHALL IMMEDIATELY NOTIFY THE BOARD OF THE APPOINTMENT AND FORWARD THE
7 CREDENTIALS OF THE PERSON APPOINTED TO THE BOARD FOR EVALUATION TO
8 ASSURE THAT THE PERSON APPOINTED IS EXPERIENCED, TRAINED, AND
9 COMPETENT.

10 (III) THE 180-DAY PERIOD BEGINS ON THE DATE THAT THE
11 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM THE POSITION AS A
12 PROGRAM ADMINISTRATOR.

13 (IV) THE BOARD MAY EXTEND THE 180-DAY PERIOD FOR A
14 FURTHER PERIOD OF NOT MORE THAN 30 DAYS.

15 20-302.

16 (A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL BE AN
17 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

18 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

19 (C) THE APPLICANT SHALL HAVE COMPLETED A STATE CRIMINAL HISTORY
20 RECORDS CHECK.

21 (D) THE APPLICANT SHALL BE AT LEAST ~~48~~ 21 YEARS OLD.

22 (E) THE APPLICANT SHALL HAVE:

23 (1) (I) A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
24 UNIVERSITY ~~IN A HUMAN SERVICE DISCIPLINE~~; AND

25 (II) AT LEAST 4 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
26 WITH AT LEAST 3 YEARS IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY; OR

27 (2) (I) A MASTER'S DEGREE FROM AN ACCREDITED COLLEGE OR
28 UNIVERSITY ~~IN A HUMAN SERVICE DISCIPLINE~~; AND

29 (II) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
30 WITH AT LEAST 1 YEAR IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY.

31 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT SHALL
32 PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

33 20-303.

34 (A) TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

1 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
2 BOARD REQUIRES; ~~AND~~

3 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD; AND

4 (3) PROVIDE FINGERPRINTS FOR USE BY THE CRIMINAL JUSTICE
5 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
6 SAFETY AND CORRECTIONAL SERVICES TO CONDUCT A STATE CRIMINAL HISTORY
7 RECORDS CHECK.

8 (B) (1) AN APPLICANT REQUIRED TO PROVIDE FINGERPRINTS UNDER
9 SUBSECTION (A)(3) OF THIS SECTION SHALL PAY ANY PROCESSING OR OTHER FEES
10 REQUIRED BY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
11 REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
12 SERVICES.

13 (2) THE RESULTS OF THE CRIMINAL HISTORY RECORDS CHECK SHALL
14 BE PROVIDED TO THE BOARD AND THE APPLICANT.

15 20-304.

16 (A) THE BOARD SHALL KEEP A FILE OF EACH CERTIFICATE APPLICATION
17 MADE UNDER THIS SUBTITLE.

18 (B) THE FILE SHALL CONTAIN:

19 (1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;

20 (2) ~~THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS~~
21 ~~CONNECTION OF THE APPLICANT;~~

22 ~~(3)~~ THE DATE OF THE APPLICATION;

23 ~~(4)~~ (3) COMPLETE AND CURRENT INFORMATION ON THE
24 EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;

25 ~~(5)~~ (4) THE DATE THE BOARD REVIEWED AND ACTED ON THE
26 APPLICATION;

27 ~~(6)~~ (5) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;

28 ~~(7)~~ (6) THE IDENTIFYING NUMBERS OF ANY CERTIFICATE OR
29 RENEWAL CERTIFICATE ISSUED TO THE APPLICANT; AND

30 ~~(8)~~ (7) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
31 NECESSARY.

32 (C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.

1 20-305.

2 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A CERTIFICATE IS
3 ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SECTION.

4 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST FOUR
5 TIMES A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

6 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
7 AND PLACE OF EXAMINATION.

8 (D) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD
9 SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
10 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

11 (2) THE SUBJECTS OF EXAMINATION SHALL BE RELATED TO:

12 (I) HEALTH AND SAFETY ISSUES, INCLUDING:

- 13 1. NUTRITIONAL STANDARDS;
- 14 2. WATER SAFETY;
- 15 3. PREVENTATIVE AND ACUTE HEALTH CARE STANDARDS;
- 16 4. SUICIDE ASSESSMENT;
- 17 5. PREVENTION OF ABUSE AND NEGLECT; AND
- 18 6. CRISIS INTERVENTION AND PROBLEM SOLVING;

19 (II) THE IMPORTANCE OF STAFF TRAINING IN APPROPRIATE
20 OBSERVATION TECHNIQUES, INCLUDING EDUCATIONAL AND PSYCHOLOGICAL
21 TESTS AND SOCIAL HISTORIES;

22 (III) RIGHTS OF THE CHILD, INCLUDING:

- 23 1. EDUCATIONAL AND RECREATIONAL NEEDS; AND
- 24 2. ESTABLISHMENT OF AND COMPLIANCE WITH
25 APPROPRIATE GRIEVANCE PROCEDURES;

26 (IV) PHYSICAL PLANT REQUIREMENTS;

27 (V) CRIMINAL HISTORY RECORDS CHECKS OF PERSONNEL;

28 (VI) FISCAL ACCOUNTABILITY;

29 (VII) RECORD KEEPING THAT COMPLIES WITH FEDERAL
30 REQUIREMENTS AND STATE REGULATIONS;

1 (VIII) EMERGENCY PLANNING; AND

2 (IX) OTHER STANDARDS ESTABLISHED IN THE REGULATIONS.

3 (3) EACH APPLICANT SHALL BE REQUIRED TO SHOW KNOWLEDGE OF
4 THE LAWS, RULES, AND REGULATIONS THAT APPLY TO PROGRAMS.

5 (4) THE SCOPE, CONTENT, AND FORM OF AN EXAMINATION SHALL BE
6 THE SAME FOR ALL CERTIFICATE APPLICANTS WHO TAKE THE EXAMINATION AT THE
7 SAME TIME.

8 (E) (1) THE BOARD MAY LIMIT THE NUMBER OF TIMES AN APPLICANT MAY
9 TAKE AN EXAMINATION REQUIRED UNDER THIS SUBTITLE.

10 (2) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL PASS THE
11 EXAMINATION WITHIN 3 YEARS OF THE FIRST TIME THE APPLICANT TAKES THE
12 EXAMINATION.

13 20-306.

14 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
15 ANY EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL WHO IS
16 CERTIFIED AS A PROGRAM ADMINISTRATOR IN ANY OTHER STATE THAT THE BOARD
17 DETERMINES HAS A COMPARABLE CERTIFICATION PROCESS TO THE ONE
18 ESTABLISHED IN THIS TITLE.

19 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
20 APPLICANT:

21 (1) IS OF GOOD MORAL CHARACTER;

22 (2) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §
23 20-303 OF THIS SUBTITLE; AND

24 (3) PROVIDES ADEQUATE EVIDENCE THAT:

25 (I) AT THE TIME THE APPLICANT WAS CERTIFIED IN THE OTHER
26 STATE, THE APPLICANT WAS QUALIFIED TO TAKE THE EXAMINATION THAT THEN
27 WAS REQUIRED BY THE LAWS OF THIS STATE;

28 (II) THE APPLICANT QUALIFIED FOR A CERTIFICATE IN THE OTHER
29 STATE BY PASSING AN EXAMINATION GIVEN IN THAT OR ANY OTHER STATE; AND

30 (III) THE APPLICANT HAS COMPLETED A STATE CRIMINAL HISTORY
31 RECORDS CHECK.

32 (C) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A
33 CERTIFIED PROGRAM ADMINISTRATOR UNDER § 20-302 OF THIS ~~TITLE~~ SUBTITLE FOR
34 ANY PERSON WHO:

1 (1) HAS FILED A LETTER OF INTENT WITH THE BOARD BY OCTOBER 1,
2 2007;

3 (2) HAS COMPLETED NOT LESS THAN 8 YEARS' EXPERIENCE IN THE
4 HUMAN SERVICE FIELD WITH AT LEAST 4 YEARS IN A SUPERVISORY OR
5 ADMINISTRATIVE CAPACITY; AND

6 (3) HAS BY OCTOBER 1, 2007, SUCCESSFULLY PASSED AN EXAMINATION
7 APPROVED BY THE BOARD.

8 20-307.

9 (A) THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS
10 THE REQUIREMENTS OF THIS TITLE.

11 (B) THE BOARD SHALL INCLUDE ON EACH CERTIFICATE THAT THE BOARD
12 ISSUES:

13 (1) THE FULL NAME OF THE CERTIFICATE HOLDER;

14 (2) A SERIAL NUMBER; AND

15 (3) THE SEAL OF THE BOARD.

16 (C) THE BOARD MAY ISSUE A CERTIFICATE TO REPLACE A LOST, DESTROYED,
17 OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE CERTIFICATE
18 REPLACEMENT FEE SET BY THE BOARD.

19 20-308.

20 THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO
21 ISSUING OR RENEWING A CERTIFICATE TO THE BOARD OF REVIEW AS PROVIDED IN §
22 20-315(A) OF THIS SUBTITLE.

23 20-309.

24 A CERTIFICATE AUTHORIZES THE INDIVIDUAL TO ADMINISTER A PROGRAM
25 WHILE THE CERTIFICATE IS EFFECTIVE.

26 20-310.

27 (A) (1) A CERTIFICATE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
28 CERTIFICATE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS
29 SECTION.

30 (2) A CERTIFICATE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
31 YEARS.

32 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
33 SHALL SEND TO THE CERTIFIED PROGRAM ADMINISTRATOR, BY FIRST-CLASS MAIL

1 TO THE LAST KNOWN ADDRESS OF THE CERTIFIED PROGRAM ADMINISTRATOR, A
2 RENEWAL NOTICE THAT STATES:

3 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

4 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
5 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
6 THE CERTIFICATE EXPIRES; AND

7 (3) THE AMOUNT OF THE RENEWAL FEE.

8 (C) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFIED PROGRAM
9 ADMINISTRATOR PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM,
10 IF THE CERTIFIED PROGRAM ADMINISTRATOR:

11 (1) OTHERWISE IS ENTITLED TO OBTAIN A CERTIFICATE;

12 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

13 (3) SUBMITS TO THE BOARD:

14 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
15 REQUIRES; AND

16 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
17 CONTINUING EDUCATION AND OTHER QUALIFICATIONS AND REQUIREMENTS SET
18 UNDER THIS SECTION FOR CERTIFICATE RENEWAL.

19 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
20 ESTABLISHED IN CONSULTATION WITH THE SUBCABINET, THE BOARD MAY SET
21 CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR THE RENEWAL OF
22 CERTIFICATES UNDER THIS SECTION.

23 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH CERTIFIED
24 PROGRAM ADMINISTRATOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.

25 20-311.

26 (A) THE BOARD SHALL REINSTATE THE CERTIFICATE OF A PROGRAM
27 ADMINISTRATOR WHO HAS FAILED TO RENEW THE CERTIFICATE FOR ANY REASON,
28 IF THE INDIVIDUAL:

29 (1) HAS NOT HAD THE CERTIFICATE SUSPENDED OR REVOKED;

30 (2) MEETS THE RENEWAL REQUIREMENTS OF § 20-310 OF THIS
31 SUBTITLE;

32 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;

1 (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE
2 WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS TITLE
3 FOR CERTIFICATE REINSTATEMENTS; AND

4 (5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE CERTIFICATE
5 WITHIN 5 YEARS AFTER THE CERTIFICATE EXPIRES.

6 (B) (1) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF A PROGRAM
7 ADMINISTRATOR WHO FAILS TO APPLY FOR REINSTATEMENT OF THE CERTIFICATE
8 WITHIN 5 YEARS AFTER THE CERTIFICATE EXPIRES.

9 (2) HOWEVER, THE PROGRAM ADMINISTRATOR MAY BE CERTIFIED BY
10 MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW CERTIFICATE
11 UNDER THIS TITLE.

12 20-312.

13 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
14 CERTIFICATE, A CERTIFIED PROGRAM ADMINISTRATOR MAY NOT SURRENDER THE
15 CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE THE
16 CERTIFIED PROGRAM ADMINISTRATOR IS UNDER INVESTIGATION OR WHILE
17 CHARGES ARE PENDING AGAINST THE CERTIFIED PROGRAM ADMINISTRATOR.

18 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
19 CERTIFIED PROGRAM ADMINISTRATOR UNDER INVESTIGATION OR AGAINST WHOM
20 CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE CERTIFIED PROGRAM
21 ADMINISTRATOR'S CERTIFICATE.

22 20-313.

23 (A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS TO
24 ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A CERTIFIED
25 PROGRAM ADMINISTRATOR HAS FAILED TO MEET ANY STANDARD OF THE BOARD.

26 (B) SUBJECT TO THE HEARING PROVISIONS OF § 20-314 OF THIS SUBTITLE,
27 THE BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY
28 CERTIFIED PROGRAM ADMINISTRATOR, PLACE ANY CERTIFIED PROGRAM
29 ADMINISTRATOR ON PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE IF THE
30 APPLICANT OR CERTIFIED PROGRAM ADMINISTRATOR:

31 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
32 OBTAIN A CERTIFICATE FOR A PROGRAM ADMINISTRATOR OR FOR ANOTHER;

33 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

34 (3) OTHERWISE FAILS TO MEET SUBSTANTIALLY THE STANDARDS FOR
35 CERTIFICATION ADOPTED BY THE BOARD UNDER § 20-205 OF THIS TITLE;

36 (4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
37 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY

1 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
2 SET ASIDE;

3 (5) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WHILE:

4 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

5 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
6 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
7 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
8 INDICATION;

9 (6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
10 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF
11 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
12 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

13 (7) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WITH AN
14 UNAUTHORIZED PERSON OR SUPERVISES OR AIDS AN UNAUTHORIZED PERSON IN
15 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

16 (8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD WHILE
17 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

18 (9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
19 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF
20 THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

21 ~~(10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;~~

22 ~~(11)~~ (10) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN
23 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR; OR

24 ~~(12)~~ (11) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
25 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
26 SERVICES FOR WHICH THE INDIVIDUAL IS CERTIFIED AND QUALIFIED TO RENDER
27 BECAUSE THE INDIVIDUAL IS HIV POSITIVE.

28 20-314.

29 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
30 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-313 OF THIS SUBTITLE, IT
31 SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
32 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

33 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
34 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

35 (C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE SECRETARY OF
36 THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN

1 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR
2 PROCEEDINGS BEFORE IT.

3 (D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM
4 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR
5 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT
6 JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

7 (E) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
8 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
9 DETERMINE THE MATTER.

10 20-315.

11 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 20-313
12 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN
13 A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

14 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

15 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
16 ADMINISTRATIVE PROCEDURE ACT.

17 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
18 UNDER § 20-314 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD
19 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

20 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
21 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

22 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

23 20-401.

24 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT:

25 (1) PERFORM THE DUTIES OF, ATTEMPT TO PERFORM THE DUTIES OF,
26 OR OFFER TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR IN THIS STATE
27 UNLESS CERTIFIED BY THE BOARD; OR

28 (2) SUPERVISE, DIRECT, INDUCE, OR AID AN UNCERTIFIED INDIVIDUAL
29 TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR.

30 20-402.

31 (A) UNLESS AUTHORIZED TO PERFORM THE DUTIES OF A PROGRAM
32 ADMINISTRATOR UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE
33 PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
34 OTHERWISE, THAT THE PERSON IS A PROGRAM ADMINISTRATOR IN THIS STATE.

1 (B) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY
2 NOT USE THE TITLE "~~CHILDREN'S GROUP HOME~~ RESIDENTIAL CHILD CARE
3 PROGRAM ADMINISTRATOR" OR ANY OTHER DESIGNATION, TITLE, OR ABBREVIATION
4 WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED TO PERFORM
5 THE DUTIES OF A PROGRAM ADMINISTRATOR.

6 20-403.

7 A PERSON MAY NOT:

8 (1) SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING
9 OR FRAUDULENTLY OBTAINING OR FURNISHING A CERTIFICATE ISSUED UNDER
10 THIS TITLE; OR

11 (2) PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR UNDER ANY
12 CERTIFICATE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR ISSUED.

13 20-404.

14 EXCEPT WHEN A PROGRAM ADMINISTRATOR IS REMOVED FROM THE POSITION
15 BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE AS PROVIDED IN § 20-301 OF
16 THIS TITLE, A PROGRAM MAY NOT BE OPERATED UNLESS IT IS UNDER THE
17 SUPERVISION DAY-TO-DAY MANAGEMENT AND OPERATION OF A CERTIFIED
18 PROGRAM ADMINISTRATOR.

19 20-405.

20 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

22 (1) A FINE NOT EXCEEDING \$1,000 FOR A FIRST OFFENSE; AND

23 (2) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 6
24 MONTHS OR BOTH FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

25 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

26 20-501.

27 THIS TITLE MAY BE CITED AS THE "MARYLAND CERTIFICATION OF PROGRAM
28 ADMINISTRATORS FOR ~~CHILDREN'S GROUP HOME~~ RESIDENTIAL CHILD CARE
29 PROGRAMS ACT".

30 20-502.

31 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
32 PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS ADOPTED UNDER
33 THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2014.

1

Article - State Government

2 8-403.

3 (a) On or before December 15 of the 2nd year before the evaluation date of a
4 governmental activity or unit, the Legislative Policy Committee, based on a
5 preliminary evaluation, may waive as unnecessary the evaluation required under this
6 section.

7 (b) Except as otherwise provided in subsection (a) of this section, on or before
8 the evaluation date for the following governmental activities or units, an evaluation
9 shall be made of the following governmental activities or units and the statutes and
10 regulations that relate to the governmental activities or units:

11 ~~(13)~~ (63) ~~CHILDREN'S GROUP HOME RESIDENTIAL CHILD CARE~~
12 ~~PROGRAM ADMINISTRATORS, STATE BOARD FOR CERTIFICATION OF~~ (§ 20-202 OF THE
13 ~~HEALTH OCCUPATIONS ARTICLE: JULY 1, 2013);~~

14 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
15 General Assembly that the Governor provide funds in the fiscal year 2006 budget at a
16 level sufficient enough to allow the State Board for Certification of ~~Children's Group~~
17 ~~Home Residential Child Care~~ Program Administrators to begin operating as a
18 regulatory board, and when special funds become available for the regulation of
19 ~~children's group home residential child care~~ program administrators, special funds
20 shall be used to reimburse the General Fund for the cost of starting up the Board.

21 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial
22 members of the State Board for Certification of Residential Child Care Program
23 Administrators shall expire as follows:

24 (1) three members in 2005;

25 (2) four members in 2006; and

26 (3) four members in 2007.

27 SECTION 4. 5. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2004.